

14230 U.S. PTO
06/24/03

ATTORNEY DOCKET NO.
064749.0162

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TRANSMITTAL FOR U.S. PATENT APPLICATION
UNDER 37 C.F.R. § 1.53(b)

17497 U.S. PTO
10/603240
06/24/03

Mail Stop Patent Application
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Attorney's Docket: 064749.0162
Express Mail Cert. #EV323449100US

Sir:

Transmitted herewith for filing is the original patent application of:

Inventor: Stephen P. Hershey
William W. su

For: **Distributed Dynamic Channel Selection in a Communication Network**

Pursuant to 37 C.F.R. § 1.213(a), Applicants respectfully request that the above-identified patent application not be published under 35 U.S.C. § 122(b). Applicants hereby certify that the invention disclosed in the above-identified application has not been and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.

Enclosed are:

- (1) Forty-eight pages of Specification, Claims and Abstract;
- (2) Three pages of Executed Declaration and Power of Attorney;
- (3) Eleven pages of Formal Drawings;
- (4) Two pages of an Assignment of the invention to Raytheon Company;
- (5) Two pages of a separate cover sheet in compliance with 37 C.F.R. § 3.28 and § 3.31 is included with an Assignment recordal fee of \$40.00 pursuant to 37 C.F.R. § 1.21(h);
- (6) Certificate of Mailing by Express Mail;
- (7) Nonpublication Request Under 35 U.S.C. § 122(b)(2)(B)(i); and
- (8) This Transmittal Form with attached patent application filing fee in the amount of \$1,836.00.

Applicant is a large entity.

FEE CALCULATION (LARGE ENTITY)					FEE
	Number		Number Extra	Rate	<u>Basic Fee</u> \$750.00
Total Claims:	71	-20 =	51	X \$18.00	\$ 918.00
Independent Claims	5	- 3 =	2	X \$84.00	\$ 168.00
TOTAL FILING FEE =					\$1,836.00

Enclosed is a check in the amount of \$1,836.00 for fees. Please charge any additional fees and credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

BAKER BOTTS L.L.P.



Charles S. Fish
Reg. No. 35,870
Attorneys for Applicants

Date: June 24, 2003

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X Customer Number or Bar Code Label



Attorney's Docket:
064749.0162

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Hershey, et al.
Filing Date: June 24, 2003
Title: **Distributed Dynamic Channel Selection in a
Communication Network**

MAIL STOP PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the attached Non-Provisional Utility Patent Application (48 pages); Formal Drawings (11 sheets); Request for Non-Publication (1 page); Assignment and Recordation Cover Sheet (4 pages); a check attached for \$40.00 to satisfy the recordal fee; Declaration and Power of Attorney (3 pages); Transmittal Under 37 CFR § 1.53 (b) with Fees Calculated (2 pages); a check in the amount of \$1,836.00 for the Application Fee; an acknowledgment return postcard; and this Certificate of Mailing by Express Mail is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on this 24th day of June, 2003, addressed to Mail Stop Patent Application, Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



Willie Jiles

Express Mail Receipt
No. **EV 323449100 US**
Attorney Docket No.: **064749.0162**

NONPUBLICATION REQUEST UNDER 35 U.S.C. 122(b)(2)(B)(i)	First Named Inventor	Stephen P. Hershey
	Title	Distributed Dynamic Channel Selection in a Communication Network
	Attorney Docket Number	064749.0162

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

I hereby request that the attached application not be published under 35 U.S.C. 122(b).

June 24, 2003

Date



Signature

Printed name:

Charles S. Fish
Reg. No. 35,870

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

Burden Hour Statement: This collection of information is required by 37 CFR 1.213(a). The information is used by the public to request that an application not be published under 35 U.S.C. 122(b) (and the PTO to process that request). Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 6 minutes to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.